

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 HA-05 IOE-00 SSO-00 NSCE-00
USIE-00 INRE-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
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USMISSION GENEVA IMMEDIATE
AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY LONDON

C O N F I D E N T I A L NICOSIA 3270

FOR COUNSELOR NIMETZ FROM AMBASSADOR

E.O. 11652: GDS
TAGS: PORG, UN, CY
SUBJECT: CYPRUS MISSING PERSONS

REF: NICOSIA 3261

PER REFTEL, FOLLOWING ARE TEXTS OF THE TWO DOCUMENTS WHICH
MAKE UP POTENTIAL AGREEMENT ON MISSING PERSONS COMMITTEE:

QUOTE COMMITTEE ON MISSING PERSONS WORKING PAPER NO.3, REV.4:

1. A COMMITTEE ON MISSING PERSONS IN CYPRUS WILL BE
FORMED IMMEDIATELY CONSISTING OF THREE MEMBERS; THE GREEK
CYPRIOT AND TURKISH CYPRIOT COMMUNITIES WILL EACH APPOINT ONE
HUMANITARIAN PERSON TO THE COMMITTEE. THE THRID MEMBER WILL
BE AN OFFICIAL OF THE INTERNATIONAL COMMITTEE OF THE RED
CROSS (ICRC). HIS SELECTION WILL BE AGREED TO BY THE TWO
OTHER MEMBERS OF THE COMMITTEE.

2. THE DECISIONS OF THE COMMITTEE WILL BE TAKEN
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ON A "WITHOUT OBJECTION" BASIS TO THE EXTENT POSSIBLE.

3. EACH OF THE COMMITTEE MEMBERS CAN BE ASSISTED
BY UP TO TWO STAFF ASSISTANTS AS NECESSARY. NO OTHER
PERSONS WILL PARTICIPATE IN THE DELIBERATIONS OR
INVESTIGATIVE WORK OF THE COMMITTEE. NO PERSON DIRECTLY
INVOLVED WITH THE ISSUE OF MISSING PERSONS MAY BE
APPOINTED AS STAFF ASSISTANT. THE COMMITTEE WILL NOT

REQUEST OUTSIDE EXPERT ASSISTANCE.

4. THE COMMITTEE WILL NOT HAVE A CHAIRMAN, BUT THE MEETINGS WILL BE DIRECTED BY THE MEMBERS ON A ROTATING BASIS FOR A PERIOD OF ONE MONTH'S DURATION; THE FIRST DIRECTOR WILL BE THE REPRESENTATIVE OF THE ICRC, TO BE FOLLOWED BY THE TURKISH CYPRIOT MEMBER OR THE GREEK CYPRIOT MEMBER, TO BE DETERMINED AT THE FIRST MEETING BY LOT.

5. THE THREE MEMBERS OF THE COMMITTEE WILL MEET IMMEDIATELY AND WILL CONTINUE IN REGULARLY-SCHEDULED SESSIONS FOR AS LONG AS REQUIRED.

6. ALL PARTIES CONCERNED SHALL COOPERATE WITH THE COMMITTEE TO ENSURE ACCESS THROUGHOUT THE ISLAND FOR THE INVESTIGATIVE WORK OF THE COMMITTEE.

7. THE COMMITTEE SHALL LOOK ONLY INTO THE CASES OF PERSONS REPORTED MISSING IN THE INTERCOMMUNAL FIGHTING AND IN THE EVENTS AFTER JULY 20, 1974.

8. THE ORDER OF INVESTIGATION OF CASES WILL BE DECIDED BY THE COMMITTEE, BUT IS AGREED THAT THE FIRST INVESTIGATIVE CASE WILL BE PUT FORWARD BY THE TURKISH CYPRIOT MEMBER OF THE COMMITTEE. THIS WILL BE FOLLOWED BY A CASE PUT FORWARD BY THE GREEK CYPRIOT MEMBER. THE INVESTIGATIONS WILL ROTATE TO THE EXTENT POSSIBLE UNTIL ALL CASES HAVE BEEN EXAMINED.

9. THE COMMITTEE'S ENTIRE PROCEEDINGS AND FINDINGS WILL BE STRICTLY CONFIDENTIAL. ANY VIOLATION OF THIS CONFIDENTIAL

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RULE WOULD PLACE THE WORK OF THE COMMITTEE IN JEOPARDY.

10. THE COMMITTEE WILL DETERMINE WHETHER TO ISSUE PUBLIC STATEMENTS OR REPORTS WITHOUT PREJUDICE TO PARAGRAPH 9.

11. THE COMMITTEE WILL NOT ATTEMPT TO ATTRIBUTE RESPONSIBILITY FOR THE DEATHS OF ANY MISSING PERSONS OR MAKE FINDINGS AS TO THE CAUSE OF SUCH DEATHS.

12. NO DISINTERMENT WILL TAKE PLACE UNDER THE AEGIS OF THIS COMMITTEE. THE COMMITTEE MAY REFER REQUESTS FOR DISINTERMENT TO THE ICRC FOR PROCESSING UNDER ITS CUSTOMARY PROCEDURES.

13. THE COMMITTEE WILL USE ITS BEST EFFORTS TO DRAW UP COMPREHENSIVE LISTS OF MISSING PERSONS OF BOTH COMMUNITIES, SPECIFYING AS APPROPRIATE WHETHER THEY ARE ALIVE OR DEAD, AND IN THE LATTER CASE APPROXIMATE TIME OF THE DEATHS. UNQUOTE.

QUOTE SUPPLEMENTARY UNDERSTANDING:

SUPPLEMENTARY PARAGRAPH ONE:

THE SUCCESS OF THE COMMITTEE WILL DEPEND ON GOOD WILL. IF THERE IS GOOD WILL, DECISIONS WILL NATURALLY BE BY CONSENSUS. THERE MAY, HOWEVER, BE CASES WHERE

DIFFERENCES OF VIEW DEVELOP. THE ICRC MEMBER WILL IN SUCH CASES PLAY A MAJOR ROLE IN PRODUCING AGREEMENT, BUT IN THE ABSENCE OF AGREEMENT THE COMMITTEE WILL HAVE RECOURSE TO MAJORITY DECISION. THE PARTIES AGREE THAT MAJORITY DECISION WILL BE EXERCISED IN A MANNER CONSONANT WITH THEIR BASIC COMMITMENT TO GOOD WILL.

SUPPLEMENTARY PARAGRAPH TWO:

WITH REGARD TO PARAGRAPH EIGHT, IT IS THE UNDERSTANDING OF THE PARTIES CONCERNED THAT THE PRINCIPLE OF ROTATION WILL APPLY TO THE ORDER OF INVESTIGATION. AS EXPRESSED IN PARAGRAPH EIGHT, "THE FIRST CASE WILL BE PUT FORWARD BY THE TURKISH CYPRIOT MEMBER. THIS WILL BE FOLLOWED BY A CASE PUT FORWARD BY THE GREEK

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CYPRIOT MEMBER." THIS ARRANGEMENT IS BASED ON THE UNDERSTANDING THAT A CASE FROM EITHER SIDE WOULD NOT NECESSARILY BE EXHAUSTED BEFORE ADVANCING TO THE NEXT CASE. THUS THERE NORMALLY CAN BE EXPECTED TO BE PARALLEL CONSIDERATION BY THE COMMITTEE. UNQUOTE

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